

MONTANA LEGISLATIVE HISTORY

Chapter 376 1991

Bill H 249 S _____ Original bill & history / c

H. Committee on Nature Resources

Hearing Date(s) Feb 20 ✓ c

_____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Nature Resources

Hearing Date(s) Mar 22 ✓ c

_____ c

_____ c

_____ c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

HB 748

HOUSE FINAL STATUS

4/19	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/19	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	49	0
4/20	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	47	0
4/25	SIGNED BY SPEAKER		
4/26	SIGNED BY PRESIDENT		
5/02	TRANSMITTED TO GOVERNOR		
5/17	SIGNED BY GOVERNOR CHAPTER NUMBER 794		

EFFECTIVE DATE: 7/01/91

HB 748 INTRODUCED BY KADAS, ET AL
MOBILE HOME PARK OPERATOR-RESIDENT ACT

2/11	INTRODUCED		
2/11	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
2/11	FIRST READING		
2/20	HEARING		
2/20	TABLED IN COMMITTEE		

HB 749 INTRODUCED BY ELLISON, ET AL
HARD-ROCK MINING IMPACT BOARD REVISIONS

2/11	INTRODUCED		
2/11	REFERRED TO NATURAL RESOURCES		
2/12	FIRST READING		
2/12	FISCAL NOTE REQUESTED		
2/15	FISCAL NOTE RECEIVED		
2/15	FISCAL NOTE PRINTED		
2/20	HEARING		
2/21	COMMITTEE REPORT—BILL PASSED		
3/07	2ND READING PASSED	96	1
3/09	3RD READING PASSED	96	0
	TRANSMITTED TO SENATE		
3/11	FIRST READING		
3/11	REFERRED TO NATURAL RESOURCES		
3/22	HEARING		
3/23	COMMITTEE REPORT—BILL CONCURRED		
3/28	2ND READING CONCURRED	49	0
4/01	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
4/03	SIGNED BY SPEAKER		
4/03	SIGNED BY PRESIDENT		
4/04	TRANSMITTED TO GOVERNOR		
4/06	SIGNED BY GOVERNOR CHAPTER NUMBER 376		

EFFECTIVE DATE: 4/06/91

HB 750 INTRODUCED BY COBB
AMEND SALES ASSESSMENT RATIO; REMOVE CYCLICAL REAPPRAISAL

2/11	INTRODUCED		
2/11	REFERRED TO TAXATION		
2/12	FIRST READING		
2/12	FISCAL NOTE REQUESTED		
2/23	FISCAL NOTE RECEIVED		
2/24	FISCAL NOTE PRINTED		
3/05	HEARING		
3/05	TABLED IN COMMITTEE		

HB 751 INTRODUCED BY BOHARSKI, ET AL
SUSPENSION OF DRIVER'S LICENSE FOR
ALTERING TO OBTAIN ALCOHOL

HOUSE BILL NO. 749

INTRODUCED BY ELLISON, D. BROWN, RANEY, KELLER

IN THE HOUSE

FEBRUARY 12, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
FEBRUARY 21, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 22, 1991	PRINTING REPORT.
MARCH 7, 1991	SECOND READING, DO PASS.
MARCH 8, 1991	ENGROSSING REPORT.
MARCH 9, 1991	THIRD READING, PASSED. AYES, 96; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 11, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
MARCH 23, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 28, 1991	SECOND READING, CONCURRED IN.
APRIL 1, 1991	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

APRIL 1, 1991	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 749
 2 INTRODUCED BY Ellison Dave Brown Randy Keller
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAWS
 5 RELATING TO THE OPERATIONS OF THE HARD-ROCK MINING IMPACT
 6 BOARD; MODIFYING PROVISIONS REGARDING THE TRANSFER OF FUNDS
 7 FROM THE HARD-ROCK MINING IMPACT TRUST ACCOUNT TO COUNTIES;
 8 AMENDING SECTIONS 90-6-305 AND 90-6-331, MCA; AND PROVIDING
 9 AN IMMEDIATE EFFECTIVE DATE."
 10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 **Section 1.** Section 90-6-305, MCA, is amended to read:
 13 "90-6-305. Hard-rock mining impact board -- general
 14 powers. (1) The board may:
 15 (a) retain professional staff, including its
 16 administrative staff, and retain consultants, and advisors
 17 notwithstanding the provisions of 2-15-121;
 18 (b) adopt rules governing its proceedings,
 19 determinations, and administration of this part;
 20 (c) award grants to local government units subject to
 21 90-6-306;
 22 (d) make payments to local government units from money
 23 paid to the hard-rock mining impact account as provided in
 24 90-6-307;
 25 (e) make determinations as provided in 90-6-307,

1 90-6-311, and 90-6-403(3); and
 2 (f) accept grants and other funds to be used in
 3 carrying out this part.
 4 (2) The provisions of the Montana Administrative
 5 Procedure Act apply to the proceedings and determinations of
 6 the board."
 7 **Section 2.** Section 90-6-331, MCA, is amended to read:
 8 "90-6-331. Fund transfer. (1) On July 1, 1990, and on
 9 prior to each July October 1 thereafter, all funds remaining
 10 money segregated by county in the hard-rock mining impact
 11 trust account established in 90-6-304(2) after as of June-30
 12 September 1 immediately preceding must be transferred to the
 13 county for which the funds have been held in deposit. The
 14 funds so transferred must be deposited in the county
 15 hard-rock mine trust reserve account established in
 16 7-6-2225.
 17 (2) The transfer of funds required by this section is a
 18 statutory appropriation pursuant to 17-7-502."
 19 **NEW SECTION. Section 3.** Effective date. [This act] is
 20 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0749, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

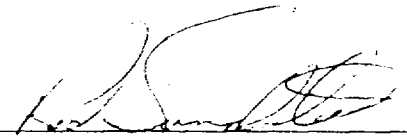
An act clarifying the laws relating to the operations of the Hard-Rock Mining Impact Board; modifying provisions regarding the transfer of funds from the hard-rock mining impact trust account to counties; amending sections 90-6-305 and 90-6-331, MCA; and providing an immediate effective date.

ASSUMPTIONS:

1. Does not impact the revenues or expenditures of any state agency.

FISCAL IMPACT:

None


ROD SUNDSTED, BUDGET DIRECTOR

DATE

Office of Budget and Program Planning


ORVAL S. ELLISON, PRIMARY SPONSOR

DATE

Fiscal Note for HB0749, as introduced.

HB 749

HEARING ON HJR 30

REP. VICKI COCCHIARELLA, HD 59 - Missoula, said HJR 30 asks for the legislature's support of Congress' passage of the Forest Resources Conservation and Shortage Relief Act of 1990. EXHIBIT 15. This resolution sends to Congress support for the position that they have taken, and to the world the message that Montana's forest land must be cared for, that logs will not be exported and that value-added products are important in Montana.

Proponents' Testimony:

Don Allen, Montana Wood Products Association, supported HJR 30. He stated that timber availability is a problem, and the Association does not want to increase the problems by exporting logs from state lands. It is appropriate to send this message to Congress.

Christian MacKay, read testimony on behalf of Don Judge, Montana State AFL-CIO. He supported HJR 30. EXHIBIT 16.

REP. O'KEEFE supported HJR 30.

REP. REAM supported HJR 30.

Opponents' Testimony: none

Questions From Committee Members: none

HEARING ON HB 749

Presentation and Opening Statement by Sponsor:

REP. ORVAL ELLISON, HD 81 - McLeod, stated HB 749 makes an adjustment to the Hard Rock Mining Impact Act. When the Act was originally passed, it was intended for the Hard Rock Impact Board to be as autonomous as possible. This bill clarifies that the Board would have the authority to hire its own staff. There is a change in dates that the funds are transmitted to the counties, due to the time lag of funds coming in.

Proponents' Testimony:

Carol L. Ferguson, Hard Rock Mining Impact Board, submitted written testimony on behalf of Ric Young, Hard Rock Mining Impact Board. EXHIBIT 17.

Richard Parks, Northern Plains Resource Council, stated this issue was very hot this spring. This bill seems an appropriate way to fix it.

Opponents' Testimony: none

Questions From Committee Members: none

Motion/Vote: REP. RANEY moved to amend the amendment in (1) include "and the Consumer Council", and that same language into the Whereas. Motion carried unanimously.

Motion/Vote: REP. SOUTHWORTH MADE A SUBSTITUTE MOTION THAT HJR 31 DO PASS AS AMENDED AND BE PLACED ON THE ALTERNATE CONSENT CALENDAR. Motion carried unanimously.

EXECUTIVE ACTION ON HB 749

Motion/Vote: REP. ELLISON MOVED HB 749 DO PASS AND BE PLACED ON THE ALTERNATE CONSENT CALENDAR. Motion carried unanimously.

EXECUTIVE ACTION ON HB 918

Motion/Vote: REP. SOUTHWORTH MOVED HB 918 DO PASS AND BE PLACED ON THE ALTERNATE CONSENT CALENDAR. Motion carried unanimously.

EXECUTIVE ACTION ON HB399, HB744 & HB671

CHAIR RANEY asked REP. O'KEEFE to chair the executive session on the subdivision bills as he was integrally involved. REP. O'KEEFE said the subcommittee of Gilbert, O'Keefe, Wanzenried, Barnhart and Ellison met three times on this bill, and the proposal passed the subcommittee unanimously.

The recommendation of the subcommittee is to table HB 399, REP. CONNELLY'S bill. One portion important to the sponsor, the rights of private property owners, is included in the final proposal.

Motion/Vote: REP. O'KEEFE MOVED TO TABLE HB 399. Motion carried unanimously.

The subcommittee chose to incorporate some of the issues in HB 744, the bill drafted by the Montana Association of Planners, in HB 671.

Motion/Vote: REP. O'KEEFE MOVED TO TABLE HB 744. Motion carried unanimously.

HB 671, sponsored by REP. GILBERT, is the proposed bill with numerous changes. A mark up bill reflects the proposed changes. EXHIBIT 23. REP. O'KEEFE stated he would go through the bill, with the help of EQC staffer, Michael Kakuk, outlining the changes.

Mr. Kakuk said the title of the bill will stand, except for removal of "76-3-403" and line 12 "providing for suits against a governing body". REP. O'KEEFE stated that on page 2, in the Statement of Purpose, the language which had been stricken, lines 2 through 8, are reinstated. The resulting statement reflects what was in HB 744 and HB 399. Page 3, line 16, the section on

HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE

ROLL CALL

DATE 2-20-91

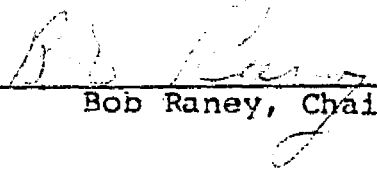
NAME	PRESENT	ABSENT	EXCUSED
REP. MARK O'KEEFE, VICE-CHAIRMAN	/		
REP. BOB GILBERT	/		
REP. BEN COHEN	/		
REP. ORVAL ELLISON	/		
REP. BOB REAM	/		
REP. TOM NELSON	/		
REP. VIVIAN BROOKE	/		
REP. BEVERLY BARNHART	/		
REP. ED DOLEZAL	/		
REP. RUSSELL FAGG	/		
REP. MIKE FOSTER	/		
REP. DAVID HOFFMAN	/		
REP. DICK KNOX	/		
REP. BRUCE MEASURE	/		
REP. JIM SOUTHWORTH	/		
REP. HOWARD TOOLE	/		
REP. DAVE WANZENRIED	/		
REP. BOB RANEY, CHAIRMAN	/		

HOUSE STANDING COMMITTEE REPORT

February 21, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report
that House Bill 749 (first reading copy -- white) do pass .

Signed: 
Bob Raney, Chairman

DEPARTMENT OF COMMERCE
LOCAL GOVERNMENT ASSISTANCE DIVISION

EXHIBIT 17
DATE 2-20-91
HB 749



STAN STEPHENS, GOVERNOR

COGSWELL BUILDING — ROOM C 211
CAPITOL STATION

STATE OF MONTANA

(406) 444-3757

HELENA, MONTANA 59620-0522

February 20, 1991

House Natural Resources Committee
House of Representatives
Montana State Legislature
Helena, Montana 59620

Re: HB 749

Dear Chairman Raney and Members of the Committee:

HB 749 addresses two matters, neither of which affects the substantive provisions of the Hard-Rock Mining Impact Act.

The purpose of Section 1 is to reaffirm and clarify beyond doubt the historic interpretation of the Board's hiring authority, as it has been understood since the Act came into existence in 1981 by the Environmental Quality Council and the Board, and, with the exception of the immediate past Director, by the Department of Commerce. Following some disagreement with the past Director of the Department, the Board of County Commissioners of Stillwater County asked the Environmental Quality Council to determine whether clarifying language might be appropriate to forestall any repetition of the problem and to ensure the continued hiring and policymaking independence of the Board. The amendment proposed in Section 1 resulted from that request.

The purpose of Section 2 is to adjust the date on which the Board transfers unexpended administrative and operating monies proportionally among the counties in which metal mines license tax paying mines are located. The existing date was established in 1989 to correspond with the statutory fiscal years. However, this did not take into account either the real-world time-lag in receiving bills and making fiscal year-end payments nor the statutory requirement that the Board must meet its administrative and operating expenses before allocating money to the county subaccounts. The proposed amendment would allow for the realties of fiscal year-end payment procedures and would bring the transfer procedure into compliance with other requirements.

Please note that the amount of money transferred to the counties will not be affected. From the counties' perspective, the two or three month shift in timing should not pose any problem. Even after they receive the money, it is not immediately available to them for expenditure. The money a county receives from this transfer must be allocated entirely to the county's hard-rock mining impact trust reserve account, where it will remain until the taxpaying mine closes or reduces its workforce by 50 percent or more.

HB 749
2-29-91
page 2 of 2

Ex. 17
2-20-91
HB 749

The Hard-Rock Mining Impact Board supports the proposed amendments, which should facilitate consistent interpretation and implementation of the Hard-Rock Mining Impact Act.

If you have questions about HB 749, I encourage you to raise them with our Administrative Officer, Carol Ferguson, whom I have asked to attend your hearing on my behalf.

Sincerely,

Rick Young ^{by g}

Rick Young, Acting Chairman
Hard-Rock Mining Impact Board
Montana Department of Commerce
Helena, MT 59620
(406) 444-4473

SENATE NATURAL RESOURCES COMMITTEE

March 22, 1991

Page 7 of 23

Questions From Committee Members:

Senator Keating asked about the language on Page 1, line 25 where it says that the approval will be provided by a board, what board? Representative Knox said it is the State Land Board operated through the Department of State Lands.

Senator Bianchi asked Representative Knox if he would be in favor of the amendment proposed by Dan White who represented Chevron? Representative Knox said he would have no problem with "deeds of record" being added, and is an amendment that should be made.

Closing by Sponsor: Representative Knox said this does have wide spread support, and it does address several areas of need. It does it in a manner that everyone can live with. He hoped the committee would concur in the bill.

HEARING ON HB-749

Presentation and Opening Statement by Sponsor: Representative Ellison, District 81, said HB-749 covers the Hard Rock Impact Act where the bill before was the Hard Rock Act. This is a bill that does a little fine tuning on the Hard Rock Impact Act. On Page 1, line 15-16, this bill will amend the law to include administrative staff. It is unclear in the original whether the Hard Rock Board had this, and it was determined to be the intent that they should, so this clarifies it in law. Then on Page 2, line 9-12 provide the change in the dates to provide for the lag time when taxes come in. Carol Ferguson will explain this further.

Proponents' Testimony: Carol Ferguson, Hard Rock Impact Board, said on the board supports this bill, and she summarized the information from the board (Exhibit #2).

Dennis Olson, Northern Plains Resource Council, said the council was involved in Mr Lessens, the former Commerce Director, to cut back the staff of the Hard Rock Impact Board. We thought it went over his authority, and we think this bill helps clarify this issue. It is the prerogative of the Hard Rock Impact Board to have the primary decision making, and retain their staff. We urge your support of this bill.

Opponents' Testimony: none

Questions From Committee Members: none

NR032291.SM1

SENATE NATURAL RESOURCES COMMITTEE

March 22, 1991

Page 8 of 23

Closing by Sponsor: Representative Ellison had no further closing remarks.

EXECUTIVE ACTION ON HB-749

Motion: Senator Doherty moved to Concur in HB-749. The motion passed unanimously. Senator Grosfield will carry HB-749.

EXECUTIVE ACTION ON HB-926

Motion: Senator Bianchi moved to Concur in HB-926. The motion passed unanimously. Senator Anderson will carry HB-926.

EXECUTIVE ACTION ON HB-641

Motion: Senator Bengtson moved the amendment suggested by Dan Whyte to added "recorded" to Page 2, line 19 and 21.

Discussion: Senator Hockett asked if the proposed amendment needed to also be on Page 3, line 1? Senator Tveit thought it would make the law consistent.

Senator Keating said that contracts for deed are not always recorded. Sometimes they are in a notice of purchasers interest, and the contract for deed is on file at the bank, and only a reference to the contract is recorded. Sometimes the notice of purchasers will indicate whether the minerals are being passed or reserved, or what disposition there is to the minerals. In order to determine the title, you actually have to read the contract for deed. By adding this amendment we will be limiting the scope of the bill. If we require that the person who is going to operate these lands and reveal his source of legal right to mine, then they will have to file the documents with the State Land Board. The State Land Board gives them the ownership and the right to mine, or a lease or mining contract of some sort, which may or may not be or record. The intent of this bill is to make

NR032291.SM1

DATE 3-22-91

COMMITTEE ON

Natural Resources

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Albert L. Damm	Self	448		X
Patrol L. Ferguson	Harsh Rock Mining Impact Bd	749	X	
Glen Liedle	Self	671		
Leo Dutton	Self	671		
John Amigo	DHES	HB 926	X	
David Frette	Self	671		
Dan L. Hays for Warden Sam Wainwright	CHEVRON	HB 448	X	
Warden Turner	#. RICE	HB 641	X	
Wayne Joyner	Rocky Mtn. Timberlands	HB 671		X
Susan Brooke	Stock Growers/Wal growers	HB 641	X	
Kim Wilson	Clark Fork Coalition	HB 448	✓	
"	Self	HB 726		
Gary Amestoy	Dept of State Lands	HB 448	✓	
Dennis Casey	"	"	✓	
John North	"	"	✓	
Art WITTECH	GROVERNORES OFFICE	448	✓	
Marina Caniley	MT. MINING ASSN	641 448	✓	
Jim Jensen	MEC	448	X	
John Fitzgerald	Pegasus 641	448 641	X	
Dennis Olson	NPRC	448 641	X	
Morvin Barber	# P H	641	X	
Sen. SNELSON	MT Wildlife Federation	448	X	
Steve Brown	Noranda	448	X	
Ted S. Dancy	ASARCO	448	X	

ROLL CALL
Natural Resources
COMMITTEE

DATE 3-22-91

52

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
Senator Anderson	X		
Senator Bengtson	X		
Senator Bianchi	X		
Senator Doherty	X		
Senator Grosfield	X		
Senator Hockett	X		
Senator Keating	X		
Senator Kennedy	X		
Senator Tveit	X		
Vice Chairman, Weeding	X		
Chairman Stimatz	X		

Each day attach to minutes.